



Senate

General Assembly

File No. 578

February Session, 2016

Substitute Senate Bill No. 361

Senate, April 11, 2016

The Committee on Government Administration and Elections reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REVISING THE STATE CODES OF ETHICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of section 1-79 of the 2016 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2016*):

4 (2) "Business with which he is associated" means any sole
5 proprietorship, partnership, firm, corporation, trust or other entity
6 through which business for profit or not for profit is conducted in
7 which the public official or state employee or member of his or her
8 immediate family is a director, officer, owner, limited or general
9 partner, beneficiary of a trust or holder of stock constituting five per
10 cent or more of the total outstanding stock of any class, provided, a
11 public official or state employee, or member of his or her immediate
12 family, shall not be deemed to be associated with a not for profit entity
13 solely by virtue of the fact that the public official or state employee or
14 member of his or her immediate family is an unpaid director or officer

15 of the not for profit entity. ["Officer"] "Business with which he is
16 associated" also includes a second business held by the business with
17 which he is associated, if the business with which he is associated is a
18 director, officer, owner, limited or general partner, beneficiary of a
19 trust or holder of stock constituting five per cent or more of the total
20 outstanding stock of any class of such second business. For purposes of
21 this subsection, "officer" refers only to the president, executive or
22 senior vice president or treasurer of such business and to any person
23 who exercises exclusive control over such business.

24 Sec. 2. Subdivision (11) of section 1-79 of the 2016 supplement to the
25 general statutes is repealed and the following is substituted in lieu
26 thereof (*Effective October 1, 2016*):

27 (11) "Public official" means (A) any state-wide elected officer; [.] (B)
28 any member or member-elect of the General Assembly; [.] (C) any
29 person appointed to any office of the legislative, judicial or executive
30 branch of state government by the Governor, [or] any other state-wide
31 elected officer or an appointee of the Governor, with or without the
32 advice and consent of the General Assembly; [.] (D) any public
33 member or representative of the teachers' unions or state employees'
34 unions appointed to the Investment Advisory Council pursuant to
35 subsection (a) of section 3-13b; [.] (E) any person appointed or elected
36 by the General Assembly or by any member of either house thereof; [.]
37 (F) any member or director of a quasi-public agency; and (G) the
38 spouse of the Governor. [, but] "Public official" does not include a
39 member of an advisory board, a judge of any court either elected or
40 appointed, any person appointed by a judge in the exercise of the
41 judge's authority in a judicial matter or a senator or representative in
42 Congress.

43 Sec. 3. Section 1-79 of the 2016 supplement to the general statutes is
44 amended by adding subdivision (21) as follows (*Effective October 1,*
45 *2016*):

46 (NEW) (21) "Confidential information" means any information in
47 the possession of the state, a state employee or a public official,

48 whatever its form, which (A) is required not to be disclosed to the
49 general public (i) under any state or federal statute, regulation, policy
50 or provision, or (ii) pursuant to a state contract or the order of any
51 court of competent jurisdiction; or (B) falls within a category of
52 permissibly nondisclosable information under the Freedom of
53 Information Act, as defined in section 1-200, and which the
54 appropriate agency, state employee or public official has decided not
55 to disclose to the general public.

56 Sec. 4. Subsection (i) of section 1-80 of the general statutes is
57 repealed and the following is substituted in lieu thereof (*Effective*
58 *October 1, 2016*):

59 (i) No member or employee of the board or Office of State Ethics
60 may make a contribution, as defined in section 9-601a, to any [person
61 subject to the provisions of this part] state employee, public official or
62 candidate for state-wide office or the General Assembly.

63 Sec. 5. Subsections (l) and (m) of section 1-80 of the general statutes
64 are repealed and the following is substituted in lieu thereof (*Effective*
65 *October 1, 2016*):

66 (l) No member of the board may hold any other paid position in
67 state [employment] government for a period of one year following the
68 end of such member's service on the board, including, but not limited
69 to, service as a member on a state board or commission, service as a
70 judge of the Superior Court or service as a state agency commissioner.

71 (m) Upon request of any aggrieved party, the board [shall] may
72 delay the effect of any decision rendered by the board for a period not
73 to exceed [more than] seven days following the rendering of such
74 decision.

75 Sec. 6. Subsection (g) of section 1-81 of the general statutes is
76 repealed and the following is substituted in lieu thereof (*Effective*
77 *October 1, 2016*):

78 (g) There shall be an enforcement division within the Office of State

79 Ethics. The enforcement division shall be responsible for investigating
80 complaints brought to or by the board. The ethics enforcement officer,
81 described in subsection (c) of this section, shall supervise the
82 enforcement division. The ethics enforcement officer may represent the
83 Office of State Ethics before the Superior Court in an appeal of any
84 ruling or finding pursuant to, or any matter arising under, section 1-82,
85 as amended by this act, 1-93, as amended by this act, or 1-101nn,
86 provided the board is not a party in any such appeal. The enforcement
87 division shall employ such attorneys and investigators, as necessary,
88 within available appropriations, and may refer matters to the office of
89 the Chief State's Attorney, as appropriate.

90 Sec. 7. Section 1-82 of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective October 1, 2016*):

92 (a) (1) Upon the complaint of any person on a form prescribed by
93 the board, signed under penalty of false statement, or upon its own
94 complaint, the ethics enforcement officer of the Office of State Ethics
95 shall investigate any alleged violation of this part or [section 1-101nn]
96 part IV of this chapter. Not later than five days after the receipt or
97 issuance of such complaint, the board shall provide notice of such
98 receipt or issuance and a copy of the complaint by registered or
99 certified mail to any respondent against whom such complaint is filed
100 and shall provide notice of the receipt of such complaint to the
101 complainant. When the ethics enforcement officer of the Office of State
102 Ethics undertakes an evaluation of a possible violation of this part or
103 [section 1-101nn] part IV of this chapter prior to the filing of a
104 complaint, the subject of the evaluation shall be notified not later than
105 five business days after an Office of State Ethics staff member's first
106 contact with a third party concerning the matter.

107 (2) In the conduct of its investigation of an alleged violation of this
108 part or [section 1-101nn] part IV of this chapter, the Office of State
109 Ethics shall have the power to hold hearings, administer oaths,
110 examine witnesses and receive oral and documentary evidence. The
111 Office of State Ethics may subpoena witnesses under procedural rules

112 adopted by the Citizen's Ethics Advisory Board as regulations, in
113 accordance with the provisions of chapter 54, to compel attendance
114 before the Office of State Ethics and to require the production for
115 examination by the ethics enforcement officer of the Office of State
116 Ethics of any books and papers which the Office of State Ethics deems
117 relevant in any matter under investigation or in question, provided
118 any such subpoena is issued either pursuant to a majority vote of the
119 Citizen's Ethics Advisory Board or pursuant to the signature of the
120 chairperson of such board. The vice-chairperson of such board may
121 sign any such subpoena if the chairperson of such board is unavailable.
122 In the exercise of such powers, the Office of State Ethics may use the
123 services of the state police, who shall provide the same upon the
124 office's request. The Office of State Ethics shall make a record of all
125 proceedings conducted pursuant to this subsection. The ethics
126 enforcement officer of the Office of State Ethics may bring any alleged
127 violation of this part or part IV of this chapter before a judge trial
128 referee assigned by the Chief Court Administrator for such purpose for
129 a probable cause hearing. Such judge trial referee shall be compensated
130 in accordance with the provisions of section 52-434 from such funds as
131 may be available to the Office of State Ethics. Any witness summoned
132 before the Office of State Ethics or a judge trial referee pursuant to this
133 subsection shall receive the witness fee paid to witnesses in the courts
134 of this state. During any investigation conducted pursuant to this
135 subsection or any probable cause hearing conducted pursuant to this
136 subsection, the respondent shall have the right to appear and be heard
137 and to offer any information which may tend to clear the respondent
138 of probable cause to believe the respondent has violated any provision
139 of this part or [section 1-101nn] part IV of this chapter. The respondent
140 shall also have the right to be represented by legal counsel and to
141 examine and cross-examine witnesses. Not later than ten days prior to
142 the commencement of any hearing conducted pursuant to this
143 subsection, the Office of State Ethics shall provide the respondent with
144 a list of its intended witnesses. Any finding of probable cause to
145 believe the respondent is in violation of any provisions of this part or
146 part IV of this chapter shall be made by a judge trial referee not later

147 than thirty days after the ethics enforcement officer brings such alleged
148 violation before such judge trial referee, except that such thirty-day
149 limitation period shall not apply if the judge trial referee determines
150 that good cause exists for extending such limitation period.

151 (b) If a judge trial referee determines that probable cause exists for
152 the violation of a provision of this part or [section 1-101nn] part IV of
153 this chapter, the board shall initiate hearings to determine whether
154 there has been a violation of this part or [section 1-101nn] part IV of
155 this chapter. Any such hearing shall be initiated by the board not later
156 than thirty days after the finding of probable cause by a judge trial
157 referee and shall be concluded not later than ninety days after its
158 initiation, except that such thirty or ninety-day limitation period shall
159 not apply if the judge trial referee determines that good cause exists for
160 extending such limitation period. A judge trial referee, who has not
161 taken part in the probable cause determination on the matter, shall be
162 assigned by the Chief Court Administrator and shall be compensated
163 in accordance with section 52-434 out of funds available to the Office of
164 State Ethics. [and] Such judge trial referee shall preside over such
165 hearing and rule on all issues concerning the application of the rules of
166 evidence, which shall be the same as in judicial proceedings. The judge
167 trial referee shall have no vote in any decision of the board. All
168 hearings of the board held pursuant to this subsection shall be open.
169 At such hearing the board shall have the same powers as the Office of
170 State Ethics under subsection (a) of this section and the respondent
171 shall have the right to be represented by legal counsel, [the right] to
172 compel attendance of witnesses and the production of books,
173 documents, records and papers and to examine and cross-examine
174 witnesses. Not later than ten days prior to the commencement of any
175 hearing conducted pursuant to this subsection, the Office of State
176 Ethics shall provide the respondent with a list of its intended
177 witnesses. The judge trial referee shall, while engaged in the discharge
178 of the duties as provided in this subsection, have the same authority as
179 is provided in section 51-35 over witnesses who refuse to obey a
180 subpoena or to testify with respect to any matter upon which such
181 witness may be lawfully interrogated, and may commit any such

182 witness for contempt for a period no longer than thirty days. The
183 Office of State Ethics shall make a record of all proceedings pursuant
184 to this subsection. During the course of any such hearing, no ex-parte
185 communication shall occur between the board, or any of its members,
186 and: (1) The judge trial referee, or (2) any staff member of the
187 Enforcement Division of the Office of State Ethics, concerning the
188 complaint or the respondent. The board shall find no person in
189 violation of any provision of this part or [section 1-101nn] part IV of
190 this chapter except upon the concurring vote of six of its members
191 present and voting. No member of the board shall vote on the question
192 of whether a violation of any provision of this part or part IV of this
193 chapter has occurred unless such member was physically present for
194 the duration of any hearing held pursuant to this subsection or such
195 member has reviewed the record of the hearing and the judge trial
196 referee determines that such member has been sufficiently informed on
197 the matter and is competent to render judgment. Not later than fifteen
198 days after the public hearing conducted in accordance with this
199 subsection, the board shall publish its finding and a memorandum of
200 the reasons therefor. Such finding and memorandum shall be deemed
201 to be the final decision of the board on the matter for the purposes of
202 chapter 54. The respondent, if aggrieved by the finding and
203 memorandum, may appeal therefrom to the Superior Court in
204 accordance with the provisions of section 4-183.

205 (c) If a judge trial referee finds, after a hearing pursuant to this
206 section, that there is no probable cause to believe that a public official
207 or state employee has violated a provision of this part or [section 1-
208 101nn] part IV of this chapter, or if the board determines that a public
209 official or state employee has not violated any such provision, or if a
210 court of competent jurisdiction [overturns a finding by the board of a]
211 rules that no violation was committed by such a respondent, the state
212 shall pay the reasonable legal expenses of the respondent as
213 determined by the Attorney General or by the court if appropriate. If
214 any complaint brought under the provisions of this part or [section 1-
215 101nn] part IV of this chapter is made with the knowledge that it is
216 made without foundation in fact, the respondent shall have a cause of

217 action against the complainant for double the amount of damage
218 caused thereby and if the respondent prevails in such action, he may
219 be awarded by the court the costs of such action together with
220 reasonable attorneys' fees.

221 (d) No complaint may be made under this section later than five
222 years after the violation alleged in the complaint has been committed.

223 (e) No person shall take or threaten to take official action against an
224 individual for such individual's disclosure of information to the board
225 or the general counsel, ethics enforcement officer or staff of the Office
226 of State Ethics under the provisions of this part or [section 1-101nn]
227 part IV of this chapter. After receipt of information from an individual
228 under the provisions of this part or [section 1-101nn] part IV of this
229 chapter, the Office of State Ethics shall not disclose the identity of such
230 individual without such individual's consent unless the Office of State
231 Ethics determines that such disclosure is unavoidable during the
232 course of an investigation. No person shall be subject to civil liability
233 for any good faith disclosure that such person makes to the Office of
234 State Ethics.

235 Sec. 8. Subsection (a) of section 1-82a of the general statutes is
236 repealed and the following is substituted in lieu thereof (*Effective*
237 *October 1, 2016*):

238 (a) Unless a judge trial referee makes a finding of probable cause, a
239 complaint alleging a violation of this part or [section 1-101nn] part IV
240 of this chapter shall be confidential except upon the request of the
241 respondent. An evaluation of a possible violation of this part or
242 [section 1-101nn] part IV of this chapter by the Office of State Ethics
243 prior to the filing of a complaint shall be confidential except upon the
244 request of the subject of the evaluation. If the evaluation is
245 confidential, any information supplied to or received from the Office of
246 State Ethics shall not be disclosed to any third party by a subject of the
247 evaluation, a person contacted for the purpose of obtaining
248 information or by the ethics enforcement officer or staff of the Office of
249 State Ethics. No provision of this subsection shall prevent the Office of

250 State Ethics from reporting the possible commission of a crime to the
251 Chief State's Attorney or other prosecutorial authority.

252 Sec. 9. Subsections (i) to (k), inclusive, of section 1-84 of the general
253 statutes are repealed and the following is substituted in lieu thereof
254 (*Effective October 1, 2016*):

255 (i) (1) No public official or state employee or member of the official
256 or employee's immediate family or a business with which he is
257 associated shall enter into any contract with the state or a quasi-public
258 agency, valued at one hundred dollars or more, other than a contract
259 (A) of employment as a state employee, (B) with the technical high
260 school system for students enrolled in a school in the system to
261 perform services in conjunction with vocational, technical or
262 technological education and training any such student is receiving at a
263 school in the system, subject to the review process under subdivision
264 (2) of this subsection, (C) with a public institution of higher education
265 to support a collaboration with such institution to develop and
266 commercialize any invention or discovery, or (D) pursuant to a court
267 appointment, unless the contract has been awarded through an open
268 and public process, including prior public offer and subsequent public
269 disclosure of all proposals considered and the contract awarded. In no
270 event shall an executive head of an agency, as defined in section 4-166,
271 including a commissioner of a department, or an executive head of a
272 quasi-public agency, as defined in section 1-79, as amended by this act,
273 or the executive head's immediate family or a business with which he
274 is associated enter into any contract with [that] such agency or quasi-
275 public agency. Nothing in this subsection shall be construed as
276 applying to any public official who is appointed as a member of the
277 executive branch or as a member or director of a quasi-public agency
278 and who receives no compensation other than per diem payments or
279 reimbursement for actual or necessary expenses, or both, incurred in
280 the performance of the public official's duties unless such public
281 official has authority or control over the subject matter of the contract.
282 Any contract made in violation of this subsection shall be voidable by
283 a court of competent jurisdiction if the suit is commenced not later

284 than one hundred eighty days after the making of the contract.

285 (2) The superintendent of the technical high school system shall
286 establish an open and transparent process to review any contract
287 entered into under subparagraph (B) of subdivision (1) of this
288 subsection.

289 (j) No public official, state employee or candidate for public office,
290 or a member of any such person's staff or immediate family shall
291 knowingly solicit or accept any gift, as defined in subdivision (5) of
292 section 1-79, from a person known to be a registrant or anyone known
293 to be acting on behalf of a registrant.

294 (k) No public official, spouse of the Governor or state employee
295 shall accept a fee or honorarium for an article, appearance or speech, or
296 for participation at an event, in the public official's, spouse's or state
297 employee's official capacity, provided a public official, Governor's
298 spouse or state employee may receive payment or reimbursement for
299 necessary expenses for any such activity in his or her official capacity
300 from the sponsor of the event. If a public official, Governor's spouse or
301 state employee receives such a payment or reimbursement for lodging
302 or out-of-state travel, or both, the public official, Governor's spouse or
303 state employee shall, not later than thirty days thereafter, file a report
304 of the payment or reimbursement with the Office of State Ethics,
305 unless the payment or reimbursement is provided by the federal
306 government or another state government. If a public official,
307 Governor's spouse or state employee does not file such report within
308 such period, either intentionally or due to gross negligence on the
309 public official's, Governor's spouse's or state employee's part, the
310 public official, Governor's spouse or state employee shall return the
311 payment or reimbursement. If any failure to file such report is not
312 intentional or due to gross negligence on the part of the public official,
313 Governor's spouse or state employee, the public official, Governor's
314 spouse or state employee shall not be subject to any penalty under this
315 chapter. When a public official, Governor's spouse or state employee
316 attends an event in this state in the public official's, Governor's

317 spouse's or state employee's official capacity and as [a principal
318 speaker] an active participant at such event and receives admission to
319 or food or beverage at such event from the sponsor of the event, such
320 admission or food or beverage shall not be considered a gift and no
321 report shall be required from such public official, spouse or state
322 employee or from the sponsor of the event. As used in this subsection,
323 "active participant" means a speaker, panelist, moderator of a panel or
324 presenter of an award who provides substantive official service to the
325 sponsor of the event.

326 Sec. 10. Subsection (m) of section 1-84 of the general statutes is
327 repealed and the following is substituted in lieu thereof (*Effective*
328 *October 1, 2016*):

329 (m) No public official or state employee shall knowingly solicit or
330 accept, directly or indirectly, any gift, as defined in subdivision (5) of
331 section 1-79, from any person the public official or state employee
332 knows or has reason to know: (1) Is doing business with or seeking to
333 do business with the department or agency in which the public official
334 or state employee is employed; (2) is engaged in activities which are
335 directly regulated by such department or agency; or (3) is prequalified
336 under section 4a-100. No person shall knowingly give, directly or
337 indirectly, any gift or gifts in violation of this provision. For the
338 purposes of this subsection, the exclusion to the term "gift" in
339 subparagraph (L) of subdivision (5) of section 1-79 for a gift for the
340 celebration of a major life event shall not apply. Any person prohibited
341 from making a gift under this subsection shall report to the Office of
342 State Ethics any solicitation of a gift from such person by a [state
343 employee or] public official or state employee.

344 Sec. 11. Section 1-84c of the general statutes is repealed and the
345 following is substituted in lieu thereof (*Effective October 1, 2016*):

346 (a) Nothing in this chapter shall prohibit the donation of goods or
347 services, as described in subparagraph (E) of subdivision (5) of section
348 1-79, to a state agency or quasi-public agency, the donation of the use
349 of facilities to facilitate state agency or quasi-public agency action or

350 functions or the donation of real property to a state agency or quasi-
351 public agency. [As used in this section, "state agency" and "quasi-
352 public agency" have the same meanings as provided in section 1-79.]

353 **(b) If a public official or state employee receives goods or services to**
354 **support such official's or employee's participation at an event as**
355 **described in subparagraph (E) of subdivision (5) of section 1-79, and**
356 **such goods or services (1) include lodging or out-of-state travel, or**
357 **both, and (2) are not provided by the federal government or another**
358 **state government, such official or employee shall, not later than thirty**
359 **days after receipt of such goods or services, file a report with the Office**
360 **of State Ethics. Such report shall be on an electronic form prescribed by**
361 **the board and shall certify to the Office of State Ethics, under penalty**
362 **of false statement, that the goods or services received in support of**
363 **such official's or employee's participation at an event facilitated state**
364 **action or functions. If a public official or state employee does not file a**
365 **report within such thirty-day period, either intentionally or due to**
366 **gross negligence on the official's or employee's part, the official or**
367 **employee shall return to the donor the value of the goods or services**
368 **received. If any failure to file such report is not intentional or due to**
369 **gross negligence, the public official or state employee shall not be**
370 **subject to any penalty under this chapter.**

371 Sec. 12. Section 1-86e of the general statutes is repealed and the
372 following is substituted in lieu thereof (*Effective October 1, 2016*):

373 **(a) No person hired by the state or a quasi-public agency as a**
374 **consultant or independent contractor, and no person employed by**
375 **such consultant or independent contractor, shall:**

376 **(1) Use the authority provided [to the person] under the contract, or**
377 **any confidential information acquired in the performance of the**
378 **contract, to obtain financial gain for the [person] consultant or**
379 **independent contractor, an employee of the [person] consultant or**
380 **independent contractor or a member of the immediate family of any**
381 **such [person] consultant, contractor or employee;**

382 (2) Accept another state or quasi-public agency contract which
383 would impair the independent judgment of the person in the
384 performance of the existing contract; or

385 (3) Accept anything of value based on an understanding that the
386 actions of the person on behalf of the state or quasi-public agency
387 would be influenced.

388 (b) No person shall give anything of value to a person hired by the
389 state or a quasi-public agency as a consultant or independent
390 contractor, or a person employed by such consultant or independent
391 contractor, based on an understanding that the actions of the
392 consultant, [or] independent contractor or employee on behalf of the
393 state or quasi-public agency would be influenced.

394 Sec. 13. Section 1-88 of the general statutes is repealed and the
395 following is substituted in lieu thereof (*Effective October 1, 2016*):

396 (a) The board, upon a finding made pursuant to section 1-82, as
397 amended by this act, that there has been a violation of any provision of
398 this part or [section 1-101nn] part IV of this chapter, shall have the
399 authority to order the violator to do any or all of the following: (1)
400 Cease and desist the violation of this part or [section 1-101nn] part IV
401 of this chapter; (2) file any report, statement or other information as
402 required by this part or [section 1-101nn] part IV of this chapter; and
403 (3) pay a civil penalty of not more than ten thousand dollars for each
404 violation of this part or [section 1-101nn] part IV of this chapter.

405 (b) Notwithstanding the provisions of subsection (a) of this section,
406 the board may, after a hearing conducted in accordance with sections
407 4-176e to 4-184, inclusive, upon the concurring vote of six of its
408 members, present and voting impose a civil penalty not to exceed ten
409 dollars per day upon any individual who fails to file any report,
410 statement or other information as required by this part or [section 1-
411 101nn] part IV of this chapter. Each distinct violation of this subsection
412 shall be a separate offense and in case of a continued violation, each
413 day thereof shall be deemed a separate offense. In no event shall the

414 aggregate penalty imposed for such failure to file exceed ten thousand
415 dollars.

416 (c) The board may also report its finding to the Chief State's
417 Attorney for any action deemed necessary. The board, upon a finding
418 made pursuant to section 1-82, as amended by this act, that a member
419 or member-elect of the General Assembly has violated any provision of
420 this part or [section 1-101nn] part IV of this chapter, shall notify the
421 appropriate house of the General Assembly, in writing, of such finding
422 and the basis for such finding.

423 (d) Any person who knowingly acts in such person's financial
424 interest in violation of section 1-84, as amended by this act, 1-85, 1-86,
425 1-86d, 1-86e, as amended by this act, or 1-101nn or any person who
426 knowingly receives a financial advantage resulting from a violation of
427 any of said sections shall be liable for damages in the amount of such
428 advantage. If the board determines that any person may be so liable, it
429 shall immediately inform the Attorney General of that possibility.

430 (e) Any employee of the Office of State Ethics or member of the
431 Citizen's Ethics Advisory Board who, in violation of this part or
432 [section 1-101nn] part IV of this chapter, discloses information filed in
433 accordance with subparagraph (F) of subdivision (1) of subsection (b)
434 of section 1-83, shall be dismissed, if an employee, or removed from
435 the board, if a member.

436 (f) Any civil penalty imposed by the board pursuant to this section
437 may be enforced by the Office of State Ethics as a money judgment in
438 accordance with chapter 906.

439 Sec. 14. Section 1-89 of the general statutes is repealed and the
440 following is substituted in lieu thereof (*Effective October 1, 2016*):

441 (a) Any person who intentionally violates any provision of this part
442 or [section 1-101nn] part IV of this chapter shall (1) for a first violation,
443 be guilty of a class A misdemeanor, except that, if such person derives
444 a financial benefit of one thousand dollars or more as a result of such

445 violation, such person shall be guilty of a class D felony, and (2) for a
446 second or subsequent violation, be guilty of a class D felony, provided
447 no person may be found guilty of a violation of subsection (f) or (g) of
448 section 1-84 and bribery or bribe receiving under section 53a-147 or
449 53a-148 upon the same incident, but such person may be charged and
450 prosecuted for all or any of such offenses upon the same information.

451 (b) The penalties prescribed in this part or [section 1-101nn] part IV
452 of this chapter shall not limit the power of either house of the
453 legislature to discipline its own members or impeach a public official,
454 and shall not limit the power of agencies or commissions to discipline
455 their officials or employees.

456 (c) The Attorney General may bring a civil action against any person
457 who knowingly acts in the person's financial interest in, or knowingly
458 receives a financial advantage resulting from, a violation of section 1-
459 84, as amended by this act, 1-85, 1-86 or 1-101nn. In any such action,
460 the Attorney General may, in the discretion of the court, recover any
461 financial benefit that accrued to the person as a result of such violation
462 and additional damages in an amount not exceeding twice the amount
463 of the actual damages.

464 (d) Any fines, penalties or damages paid, collected or recovered
465 under section 1-88, as amended by this act, or this section for a
466 violation of any provision of this part or [section 1-101nn] part IV of
467 this chapter applying to the office of the Treasurer shall be deposited
468 on a pro rata basis in any trust funds, as defined in section 3-13c,
469 affected by such violation.

470 Sec. 15. Subdivision (16) of section 1-91 of the 2016 supplement to
471 the general statutes is repealed and the following is substituted in lieu
472 thereof (*Effective October 1, 2016*):

473 (16) "Public official" means any (A) state-wide elected state officer,
474 (B) any member or member-elect of the General Assembly, (C) any
475 person appointed to any office of the legislative, judicial or executive
476 branch of state government by the Governor or any other state-wide

477 elected officer, with or without the advice and consent of the General
478 Assembly, (D) the spouse of the Governor, and (E) any person
479 appointed or elected by the General Assembly or any member of either
480 house thereof; but does not include a member of an advisory board or
481 a senator or representative in Congress.

482 Sec. 16. Section 1-93 of the general statutes is repealed and the
483 following is substituted in lieu thereof (*Effective October 1, 2016*):

484 (a) (1) Upon the complaint of any person on a form prescribed by
485 the Office of State Ethics, signed under penalty of false statement, or
486 upon its own complaint, the ethics enforcement officer of the Office of
487 State Ethics shall investigate any alleged violation of this part or part
488 III of this chapter. Not later than five days after the receipt or issuance
489 of such complaint, the Office of State Ethics shall provide notice of
490 such receipt or issuance and a copy of the complaint by registered or
491 certified mail to any respondent against whom such complaint is filed
492 and shall provide notice of the receipt of such complaint to the
493 complainant. When the Office of State Ethics undertakes an evaluation
494 of a possible violation of this part or part III of this chapter prior to the
495 filing of a complaint, the subject of the evaluation shall be notified not
496 later than five business days after a staff member of the Office of State
497 Ethics undertakes the first contact with a third party concerning the
498 matter.

499 (2) In the conduct of its investigation of an alleged violation of this
500 part or part III of this chapter, the Office of State Ethics shall have the
501 power to hold hearings, administer oaths, examine witnesses and
502 receive oral and documentary evidence. The Office of State Ethics may
503 subpoena witnesses under procedural rules adopted by the Citizen's
504 Ethics Advisory Board as regulations, in accordance with the
505 provisions of chapter 54, to compel attendance before the Office of
506 State Ethics and to require the production for examination by the ethics
507 enforcement officer of the Office of State Ethics of any books and
508 papers which the ethics enforcement officer of the Office of State Ethics
509 deems relevant in any matter under investigation or in question,

510 provided any such subpoena is issued either pursuant to a majority
511 vote of the Citizen's Ethics Advisory Board or pursuant to the
512 signature of the chairperson of such board. The vice-chairperson of
513 such board may sign any such subpoena if the chairperson of such
514 board is unavailable. In the exercise of such powers, the Office of State
515 Ethics may use the services of the state police, who shall provide the
516 same upon the office's request. The Office of State Ethics shall make a
517 record of all proceedings conducted pursuant to this subsection. Any
518 witness summoned before the Office of State Ethics or a judge trial
519 referee pursuant to this subsection shall receive the witness fee paid to
520 witnesses in the courts of this state. The ethics enforcement officer of
521 the Office of State Ethics may bring any alleged violation of this part or
522 part III of this chapter before a judge trial referee assigned by the Chief
523 Court Administrator for such purpose for a probable cause hearing.
524 Such judge trial referee shall be compensated in accordance with the
525 provisions of section 52-434 from such funds as may be available to the
526 Office of State Ethics. The respondent shall have the right to appear at
527 any hearing held pursuant to this subsection and be heard and to offer
528 any information which may tend to clear the respondent of probable
529 cause to believe the respondent has violated any provision of this part
530 or part III of this chapter. The respondent shall also have the right to be
531 represented by legal counsel and to examine and cross-examine
532 witnesses. Not later than ten days prior to the commencement of any
533 hearing conducted pursuant to this subsection, the Office of State
534 Ethics shall provide the respondent with a list of its intended
535 witnesses. Any finding of probable cause to believe the respondent is
536 in violation of any provision of this part shall be made by a judge trial
537 referee not later than thirty days after the ethics enforcement officer
538 brings such alleged violation before such judge trial referee, except that
539 such thirty-day limitation period shall not apply if the judge trial
540 referee determines that good cause exists for extending such limitation
541 period.

542 (b) If a judge trial referee indicates that probable cause exists for the
543 violation of a provision of this part or part III of this chapter, the board
544 shall initiate hearings to determine whether there has been a violation

545 of this part or part III of this chapter. Any such hearing shall be
546 initiated by the board not later than thirty days after the finding of
547 probable cause by a judge trial referee and shall be concluded not later
548 than ninety days after its initiation, except that such thirty-day or
549 ninety-day limitation period shall not apply if the judge trial referee
550 determines that good cause exists for extending such limitation period.
551 A judge trial referee, who has not taken part in the probable cause
552 determination on the matter, shall be assigned by the Chief Court
553 Administrator and shall be compensated in accordance with section
554 52-434 out of funds available to the board. [and] Such judge trial
555 referee shall preside over such hearing and rule on all issues
556 concerning the application of the rules of evidence, which shall be the
557 same as in judicial proceedings. The judge trial referee shall have no
558 vote in any decision of the board. All hearings of the board held
559 pursuant to this subsection shall be open. At such hearing the board
560 shall have the same powers as the Office of State Ethics under
561 subsection (a) of this section and the respondent shall have the right to
562 be represented by legal counsel, [the right] to compel attendance of
563 witnesses and the production of books, documents, records and papers
564 and to examine and cross-examine witnesses. Not later than ten days
565 prior to the commencement of any hearing conducted pursuant to this
566 subsection, the Office of State Ethics shall provide the respondent with
567 a list of its intended witnesses. The judge trial referee shall, while
568 engaged in the discharge of the duties as provided in this subsection,
569 have the same authority as is provided in section 51-35 over witnesses
570 who refuse to obey a subpoena or to testify with respect to any matter
571 upon which such witness may be lawfully interrogated, and may
572 commit any such witness for contempt for a period no longer than
573 thirty days. The Office of State Ethics shall make a record of all
574 proceedings pursuant to this subsection. During the course of any such
575 hearing, no ex-parte communication shall occur between the board, or
576 any of its members, and: (1) The judge trial referee, or (2) any staff
577 member of the Enforcement Division of the Office of State Ethics,
578 concerning the complaint or the respondent. The board shall find no
579 person in violation of any provision of this part or part III of this

580 chapter except upon the concurring vote of six of its members present
581 and voting. No member of the board shall vote on the question of
582 whether a violation of any provision of this part or part III of this
583 chapter has occurred unless such member was physically present for
584 the duration of any hearing held pursuant to this subsection or such
585 member has reviewed the record of the hearing and the judge trial
586 referee determines that such member is sufficiently informed on the
587 matter and is competent to render judgment. Not later than fifteen
588 days after the public hearing conducted in accordance with this
589 subsection, the board shall publish its finding and a memorandum of
590 the reasons therefor. Such finding and memorandum shall be deemed
591 to be the final decision of the board on the matter for the purposes of
592 chapter 54. The respondent, if aggrieved by the finding and
593 memorandum, may appeal therefrom to the Superior Court in
594 accordance with the provisions of section 4-183.

595 (c) If any complaint brought under the provisions of this part or part
596 III of this chapter is made with the knowledge that it is made without
597 foundation in fact, the respondent shall have a cause of action against
598 the complainant for double the amount of damage caused thereby and
599 if the respondent prevails in such action, the respondent may be
600 awarded by the court the costs of such action together with reasonable
601 attorneys' fees.

602 (d) No complaint may be made under this section except within five
603 years next after the violation alleged in the complaint has been
604 committed.

605 (e) No person shall take or threaten to take official action against an
606 individual for such individual's disclosure of information to the board
607 or the general counsel, ethics enforcement officer or staff of the Office
608 of State Ethics under the provisions of this part or part III of this
609 chapter. After receipt of information from an individual under the
610 provisions of this part or part III of this chapter, the Office of State
611 Ethics shall not disclose the identity of such individual without such
612 person's consent unless the Office of State Ethics determines that such

613 disclosure is unavoidable during the course of an investigation.

614 Sec. 17. Section 1-96e of the general statutes is repealed and the
615 following is substituted in lieu thereof (*Effective October 1, 2016*):

616 Each registrant who pays or reimburses a public official or state
617 employee ten dollars or more for necessary expenses, as defined in
618 section 1-79, as amended by this act, shall, within [thirty] forty-five
619 days, file a statement with the Office of State Ethics indicating the
620 name of such individual and the amount of the expenses.

621 Sec. 18. Section 1-99 of the general statutes is amended by adding
622 subsection (d) as follows (*Effective October 1, 2016*):

623 (NEW) (d) Any civil penalty imposed by the board pursuant to this
624 section may be enforced by the Office of State Ethics as a money
625 judgment in accordance with chapter 906.

626 Sec. 19. Subdivision (1) of section 1-101mm of the general statutes is
627 repealed and the following is substituted in lieu thereof (*Effective*
628 *October 1, 2016*):

629 (1) "Business with which the person is associated" means any sole
630 proprietorship, partnership, firm, corporation, trust or other entity
631 through which business for-profit or not-for-profit is conducted in
632 which the person or member of the immediate family of any person
633 who is an individual is a director, officer, owner, limited or general
634 partner, beneficiary of a trust or holder of stock constituting five per
635 cent or more of the total outstanding stock of any class, provided, a
636 person who is an individual or a member of the immediate family of
637 such individual shall not be deemed to be associated with a not-for-
638 profit entity solely by virtue of the fact that such individual or
639 immediate family member is an unpaid director or officer of the not-
640 for-profit entity. ["Officer"] "Business with which the person is
641 associated" also includes a second business held by the business with
642 which the person is associated, if the business with which the person is
643 associated is a director, officer, owner, limited or general partner,

644 beneficiary of a trust or holder of stock constituting five per cent or
 645 more of the total outstanding stock of any class of such second
 646 business. For purposes of this subsection, "officer" refers only to the
 647 president, executive or senior vice president or treasurer of such
 648 business and to any person who exercises exclusive control over such
 649 business.

650 Sec. 20. Sections 1-80b to 1-80d, inclusive, of the general statutes are
 651 repealed. (*Effective October 1, 2016*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	1-79(2)
Sec. 2	October 1, 2016	1-79(11)
Sec. 3	October 1, 2016	1-79
Sec. 4	October 1, 2016	1-80(i)
Sec. 5	October 1, 2016	1-80(l) and (m)
Sec. 6	October 1, 2016	1-81(g)
Sec. 7	October 1, 2016	1-82
Sec. 8	October 1, 2016	1-82a(a)
Sec. 9	October 1, 2016	1-84(i) to (k)
Sec. 10	October 1, 2016	1-84(m)
Sec. 11	October 1, 2016	1-84c
Sec. 12	October 1, 2016	1-86e
Sec. 13	October 1, 2016	1-88
Sec. 14	October 1, 2016	1-89
Sec. 15	October 1, 2016	1-91(16)
Sec. 16	October 1, 2016	1-93
Sec. 17	October 1, 2016	1-96e
Sec. 18	October 1, 2016	1-99
Sec. 19	October 1, 2016	1-101mm(1)
Sec. 20	October 1, 2016	Repealer section

Statement of Legislative Commissioners:

In Section 5(m) "more than" was bracketed to eliminate redundant language, in Sections 7(b) and 16(b) "the right" was bracketed for consistency, in Section 9(k) "a sponsor" was changed to "the sponsor" for consistency, in Section 11(a) the definitions were bracketed as duplicative of existing provisions and in Section 19, references to

"business with which he is associated" were changed to "business with which the person is associated" for consistency with the defined term.

GAE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

This bill, which makes numerous revisions to the State Code of Ethics, has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 361*****AN ACT REVISING THE STATE CODES OF ETHICS.*****SUMMARY:**

This bill makes numerous changes to the state Code of Ethics. It does the following, among other things:

1. expands the code's definitions of "associated business" and "public official";
2. allows members of the Citizen's Ethics Advisory Board (CEAB) and employees of the Office of State Ethics (OSE) to make certain political contributions;
3. makes other changes affecting CEAB members and operations;
4. allows OSE to investigate, and CEAB to determine, all violations of parts III (miscellaneous lobbying provisions) and IV (ethical considerations concerning bidding and state contracts) of the Code of Ethics;
5. allows OSE to enforce civil penalties as money judgments;
6. prohibits public officials and state employees from soliciting, not only accepting, gifts from lobbyists and certain persons doing or seeking to do business with the state;
7. generally prohibits public officials and state employees from entering into contracts worth \$100 or more with quasi-public agencies;
8. extends, to quasi-public agency consultants and contractors, certain prohibitions in the code concerning unethical bidding or

contracting practices that already apply to state agency consultants and contractors;

9. exempts “active participants” at certain in-state events from expense reporting requirements; and
10. requires public officials and state employees to report to OSE payments or reimbursements that support their participation at certain events.

Lastly, the bill repeals obsolete references to the former State Ethics Commission (§ 20) and makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2016

§§ 1-3, 15 & 19 — DEFINITIONS

Associated Business (§§ 1 & 19)

The Code of Ethics generally prohibits public officials and state employees from taking certain actions that benefit “businesses with which they are associated.” Under current law, an associated business is any business entity in which a public official, state employee, or immediate family member is a director, officer, owner, limited or general partner, trust beneficiary, or a stockholder with 5% or more of the total outstanding stock in any class. Associated businesses do not include nonprofit entities for which the person is an unpaid officer or director.

The bill expands this definition to include a second business held by the associated business, if the associated business meets the above criteria with respect to the second business (e.g., the associated business is an owner of the second business). It also specifies that an “officer” includes any person that exercises exclusive control over the business, not only its president, executive or senior vice president, or treasurer, as current law provides.

The bill makes parallel changes to the definition of associated business with respect to entities that serve as consultants on state

construction or procurement contracts valued at more than \$500,000. Existing law, unchanged by the bill, prohibits a consultant who helps plan such a state contract, and the businesses with which the consultant is associated, from serving as the contractor, subcontractor, or consultant on that project, or as a consultant to any person seeking the contract.

Public Official (§§ 2 & 15)

Under existing law, public officials under the state Code of Ethics include, among others, individuals appointed by the governor or an appointee of the governor to any office in state government (except for advisory boards). The bill expands the definition to include appointees of any statewide elected officer (i.e., the lieutenant governor, attorney general, state treasurer, secretary of the state, and state comptroller).

The bill also specifies that the definition of public official does not include someone appointed by a judge in the exercise of his or her authority in a judicial matter. By law, judges are not subject to the state Code of Ethics.

Confidential Information (§ 3)

The Code of Ethics generally prohibits current and former public officials and state employees, as well as state consultants and independent contractors, from using, for financial gain, confidential information they acquire in performing their duties. “Confidential information” is currently defined in OSE’s regulations but not in state law.

The bill codifies and expands the definition. Under the bill, “confidential information” is information in any form possessed by the state, a state employee, or a public official that (1) is required to not be disclosed to the general public (a) under any state or federal statute, regulation, policy, or provision or (b) pursuant to a state contract or an court order; or (2) is exempt from disclosure under the Freedom of Information Act, and which the appropriate agency, employee, or official decides not to disclose to the general public. The bill’s

definition matches the definition in regulations, except that the latter does not address disclosures prohibited under state contracts or court orders (Conn. Agencies Reg. § 1-81-15).

§ 4 — POLITICAL CONTRIBUTIONS BY CEAB MEMBERS AND OSE EMPLOYEES

The bill allows CEAB members and OSE employees to make political contributions to people who have left state service, as well as consultants and independent contractors, so long as the recipient is not running for a statewide or legislative office. Under current law, CEAB members and OSE employees cannot make contributions to anyone who is subject to the Code of Ethics, including people who have left state service.

§§ 5, 7, 9 & 16 — CEAB

By law, CEAB holds hearings to determine whether ethics violations have occurred. Currently, a CEAB member may not vote on whether a violation occurred unless he or she was physically present for the duration of all hearings. The bill allows a member who was absent from such hearings to vote on the matter if he or she has reviewed the record and a judge trial referee determines that the member is sufficiently informed and competent to render judgment. It also (1) allows, rather than requires, CEAB to delay the effect of a decision for up to seven days on an aggrieved party's request and (2) allows respondents to ethics complaints to recover attorney's fees whenever a court rules that no violation of the Code of Ethics occurred, not just in those instances where a court overturns a CEAB decision.

The bill allows CEAB members to serve in unpaid state government positions for one year after they leave the board. Under current law, CEAB members may not hold any position in state employment during this one-year period.

§§ 6-8, 13, 14, 16 & 18 — OSE AUTHORITY

Representation by Ethics Enforcement Officer (§ 6)

The bill allows OSE's ethics enforcement officer to represent the

office in appeals to Superior Court arising out of rulings or findings (e.g., enforcing a subpoena) associated with OSE investigations and hearings concerning alleged ethics violations, as long as CEAB is not a party to the appeal. Under existing law, OSE's legal division (which is separate from the enforcement division) represents CEAB in all matters in which the board is a party (e.g., appeals of final decisions) unless the board requests the attorney general's assistance (CGS § 1-81(f)).

Parts III and IV of the Code of Ethics (§§ 7, 8, 13, 14 & 16)

The bill explicitly allows OSE to investigate, and CEAB to determine, all violations of Part IV of the Ethics Code (ethical considerations concerning bidding and state contracts). Under current law, they may investigate and determine only those matters in Part IV concerning unethical bidding or contracting practices that apply to state consultants and contractors. The additional provisions include mandated reports by state agency heads and deputy heads of possible ethics violations, the provision of ethics summaries to certain bidders, and the designation of state agency ethics compliance officers and liaisons. The bill makes conforming changes by subjecting Part IV violations to existing law's procedural and penalty provisions (see *Penalties* below).

The bill explicitly allows OSE to investigate, and CEAB to determine, violations of Part III of the Ethics Code, which prohibits state and quasi-public agencies from retaining lobbyists. However, the bill does not allow CEAB to issue any orders or levy any civil penalties after finding that a Part III violation occurred.

Enforcing Civil Penalties as Money Judgments (§§ 13 & 18)

The bill allows OSE to enforce any civil penalty levied by CEAB as a money judgment. By law, money judgments may be collected through the courts in various ways, including (1) executions to collect money through bank accounts or wages or (2) liens on personal or real property, which may be foreclosed (CGS § 52-350a et seq).

§§ 9, 10 & 12 — PROHIBITED ACTIVITIES***Gifts (§§ 9 & 10)***

The bill prohibits public officials, state employees, and candidates for public office, and any member of the staff or immediate family of these individuals, from soliciting gifts from lobbyists or people known to be acting on their behalf. It also prohibits public officials and state employees from soliciting gifts from persons the official or employee knows or has reason to know (1) are doing or seeking to do business with the official's or employee's agency, or are engaged in activities directly regulated by that agency, or (2) is a prequalified contractor. Under existing law, accepting gifts from such lobbyists or persons is also prohibited.

Contracts with Quasi-Public Agencies (§ 9)

The bill prohibits public officials and state employees (and their immediate family members and associated businesses) from entering into contracts worth \$100 or more with quasi-public agencies, unless the contract was (1) awarded through an open and public process or (2) pursuant to a court appointment. By law, this prohibition already applies to contracts with state agencies, with some additional exceptions (e.g., contracts with technical high schools for students to perform services in conjunction with their training).

Quasi-Public Agency Contractors (§ 12)

The bill extends, to quasi-public agency consultants and independent contractors, certain prohibitions in the Code of Ethics on unethical bidding or contracting practices that apply to state agency consultants and independent contractors. It similarly extends the prohibitions to employees of state and quasi-public agency consultants and independent contractors.

Specifically, the bill prohibits quasi-public agency consultants and independent contractors, and employees of state and quasi-public agency consultants and independent contractors, from doing the following:

1. using their contractual authority or confidential information acquired in performing the contract to obtain financial gain for themselves, immediate family members, or their employees and their immediate family members;
2. accepting anything of value with the understanding that their actions on the quasi-public agency's behalf would be influenced by the transaction; or
3. accepting another state or quasi-public agency contract that impairs their judgment on the existing contract.

The bill similarly applies the third provision to state agency consultants and independent contractors by prohibiting them from accepting a quasi-public agency contract that impairs their judgment on the existing contract. Additionally, it prohibits a person from giving anything of value to a quasi-public agency consultant or independent contractor, or an employee of a state or quasi-public agency consultant or independent contractor, with the understanding that it would influence the recipient's actions on behalf of the state or quasi-public agency.

Penalties (§ 12)

The bill subjects violators of the above prohibitions to existing law's penalties for violating the Code of Ethics. By law, OSE may impose a civil penalty of up to \$10,000 per violation. Additionally, a person who intentionally violates the code is guilty of a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both, for a first violation (or a class D felony if the violator derived a financial benefit of at least \$1,000 from the violation) and a class D felony for subsequent violations. A class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both.

The bill also makes violators liable to the state for damages if they knowingly benefit financially from the above activities. Damages equal the amount of the financial advantage for consultants and contractors. If a public official or state employee enters into a contract with a quasi-

public agency as described above, the state may recover the amount of the financial advantage and up to twice the actual damages. OSE must immediately inform the attorney general of the violation (CGS §§ 1-88 and -89).

§§ 9, 11 & 17 — EXPENSE REPORTING

Lobbyist Reporting (§ 17)

Under the state Code of Ethics, public officials, including the governor's spouse, and state employees may accept payments or reimbursements for necessary expenses (i.e., lodging, travel, meals, and registration fees) if, in their official capacities, they write an article, make an appearance or speech, or participate at an event. The bill extends, from 30 days to 45 days after a payment or reimbursement, the deadline by which lobbyists who provide more than \$10 in payments or reimbursements for necessary expenses must report them to OSE. It retains the 30-day reporting deadline for the recipient of the payment or reimbursement. It also specifies that the payment or reimbursement must be from the activity's sponsor.

Exemption for Active Participants (§ 9)

The bill eliminates a requirement that public officials, including the governor's spouse, and state employees who (1) are "active participants" at an in-state event and (2) receive admission to, or food or beverage at, the event from its sponsor report such expenses to OSE. It similarly eliminates a requirement that the event sponsor report such expenditures. Under current law, only expenses for a "principal speaker" are exempt from the reporting requirement. The bill defines "active participant" as a speaker, panelist, moderator of a panel, or presenter of an award who provides substantive official service to the event sponsor.

Participation at an Event (§ 11)

Under existing law, public officials, including the governor's spouse, and state employees who accept payments or reimbursements for necessary expenses generally must file a report with OSE. The bill extends this reporting requirement to goods and services the

individuals receive to support their participation at an event. Such officials and employees must file a report if the goods and services (1) are provided by an entity other than the federal government or another state government and (2) include lodging or out-of-state travel.

The recipients must file the report, on an electronic form prescribed by OSE, within 30 days of receiving the goods and services. They must certify to OSE, under penalty of false statement, that the goods and services facilitated state action or functions. If the recipients, intentionally or because of gross negligence, fail to file the report, they must reimburse the donor for the value of the goods or services received.

BACKGROUND

Related Bill

sHB 5229, reported favorably by the Government Administration and Elections Committee, contains identical provisions concerning expenses for active participants and lobbyist expense reporting deadlines (§§ 9 & 17 of this bill), except that sHB 5229 is effective upon passage.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (03/21/2016)